



GUIDELINES FOR UNIVERSITY SPONSORSHIP OF EMPLOYMENT-BASED PERMANENT RESIDENCY OPTIONS

The purpose of this document is to provide a brief overview of the sponsorship options for permanent residency for international faculty and staff of the University based upon their positions of employment. This document is not intended to be a complete explanation of University immigration sponsorship and the related immigration laws, but to provide consistency of application and understanding of process.

Eligibility

For staff, the person must be in a full-time position subject to a continuing appointment under university policy 3342-6-05. For faculty, the person must be either a tenure-track faculty position or a full-time non-tenure track position that carries with it the expectation of continuous employment for at least three years. Notwithstanding rare or emergency circumstances, the University will not begin the permanent residency process until the person has started work under their current offer letter. Post-doctoral positions and other non-permanent positions (e.g. "visiting," "acting," "interim") are not eligible for University-sponsored permanent residency petitions.

Legal Representation

In accordance with Ohio Rev. Code 3345.15, the Office of General Counsel is the only office with the statutory authority to provide legal advice and representation to the University. In regards to permanent residency, this means that only the University is authorized to represent the University for matters of the filing of a Permanent Labor Certification (PERM), or for subsequent filings of the Form I-140 based upon EB-1b (Outstanding Professor/Researcher), EB-2 (Advanced Degree Professional) or EB-3 (Professional or skilled worker). The foreign national is **not permitted** to find and pay for an attorney to represent the University in any immigration matter or otherwise hire an attorney to prepare immigration filing on the University's behalf.

As a note, the Office of General Counsel represents the University and cannot assist international faculty or staff in personal immigration matters, or immigration filings related to dependents.

International faculty and staff may, of course, hire and pay for their own attorney to file any personal immigration petitions including, but not limited to, EB-1 Extraordinary Ability petitions, EB-2 National Interest Waiver self-petitions, and the Form I-485 and related processes. The University shall not be responsible, financially or otherwise, for such personal petitions.

To this effect, colleges, schools, and departments should not guarantee to any incoming or existing employee that the University will petition for their permanent residency or that the University will pay for any personal immigration expenses. For any questions, please call the Office of General Counsel for further clarification.

Appointing Authority approval required

Before the Office of General Counsel can begin petitioning for any employee of Kent State University, the Office must first receive the approval of the appropriate Vice President, Dean, or other appointing authority of the intended beneficiary. The Office will not pursue any permanent residency options without such approval.

EB-1b Outstanding Professor/Researcher positions

To qualify for this category, the University must demonstrate that the person is 1) internationally recognized as outstanding in a specific academic field, 2) that the person has at least three years of relevant teaching or research experience, and 3) that the person holds a tenure-track appointment or a permanent research position. The benefits to this designation is that the University is not required to apply for the permanent labor certification on behalf of the international faculty or staff member prior to filing, and in certain instances it will allow for an expedited path to a Green Card. However, the level of scrutiny and review provided to these petitions is steadily increasing and the person must be able to provide copious and convincing evidence that he/she is truly internationally recognized in a specific field.

EB-2 Advanced Degree Professional positions

To qualify for this category, the job the person applies for must require an advanced degree and the person holding the position must possess such a degree or its equivalent (a baccalaureate degree plus 5 years progressive work experience in the field). Along with the requirement that the person must demonstrate that he/she holds such a degree, a prerequisite for this petition is the filing by the University of a Permanent Labor Certification. Depending upon the position, the advertising for the position and the search and selection process must meet certain standards in order for the application to be approved by the Department of Labor. More information regarding this process is contained in the document, "Kent State University Guidelines for Recruiting and Hiring International Professionals and Faculty Members."

EB-3 Professionals or Skilled Workers

To qualify for this category, the person must be able to demonstrate that the position requires at least a U.S. baccalaureate degree or a foreign equivalent and are a member of the professions, or that the job requires a skilled worker with a minimum of 2 years training or work experience and is not temporary or seasonal in nature. This category also requires the filing of a Permanent Labor Certification.

Other alternatives

Immigration law is ever expanding and depending upon the person's unique situation, there may be other options available (EB-2 National Interest Waiver, EB-5 Investor, etc.). Every case is different and each person brings with them a unique set of facts that must be considered when choosing a path toward permanent residency options. To discuss your individual immigration concerns related to your employment at Kent State University, please call Associate Counsel Michael Pfahl at 330-672-2982 or email mpfahl@kent.edu

Processing of petitions

The Office of General Counsel processes the petitions in the order in which the cases are received. However, certain cases where time is of the essence or other emergency situations will take priority in order to ensure the continuous business operations of the University. In this respect, we ask for your patience during the processing of each case. Also, certain periods of the year may require the Office to dedicate more resources to H-1B and other incoming faculty and staff petitions which may result in the temporary delay of permanent residency filings.